



WEB COPY



W.P.No.25885 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.25885 of 2023
and
W.M.P.No.25325 of 2023

M/s. Hanumanthalaya
Rep by Managing Partner,
Mrs. R.D.Gomathy,
No.41, S2, Adithya Apartments,
Main Road, Ramalinga Nagar,
Puducherry – 605 009.

... Petitioner

VS.

- 1.The Chairman,
State Transport Authority,
Puducherry
- 2.The Transport Commissioner,
State Transport Authority,
Puducherry
- 3.The Super-Intendent,
State Transport Authority,
Puducherry
- 4.The Regional Transport Officer,
State Transport Authority,
Puducherry

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of



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India, to issue a Writ of Mandamus, to direct the Respondents to provide an option to the Petitioner as stipulated in Section 88(9) of the Motor Vehicles Act, 1988 in exercise of their powers vested under Section 18 of the Government to Union Territories Act, 1963 to apply and obtain permit to ply their vehicles in the states of Tamil Nadu, Telengana, Andhra Pradesh, Karnataka and Kerala at a revised proportionate fee fixed by them.

For Petitioner : Mr.Udhayakumar.R

For Respondents : Mr.M.Nirmal Kumar
Government Advocate (Pondicherry)

ORDER

The petitioner herein seeks a direction to the respondents to provide an option to the petitioner as stipulated under Section 88 (9) of the Motor Vehicles Act, 1988 in exercise of their powers vested under Section 18 of the Government to Union Territories Act, 1963 to apply and obtain permit to ply their vehicles in the States of Tamil Nadu, Telengana, Andhra Pradesh, Karnataka and Kerala at a revised proportionate fee fixed by them.

2. The main grievance of the writ petitioner in the matter is that under



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the new rules notified by Government in All India Tourist Vehicles (Permit)

Rules, 2023, there is no option for the petitioner to confine their operation within two or more contiguous states as mentioned in Section 88 (9) of the Motor Vehicles Act, 1988. In this regard, the petitioner submitted a representation dated 05.07.2023 to 4th respondent requesting him to consider the renewal of permit for plying vehicles through the states of Tamil Nadu, Andhra Pradesh, Kerala, Karnataka and Telengana.

3. When the matter is taken up for hearing, the learned counsel appearing for the petitioner confined his prayer by stating that if the 4th respondent is directed to consider the representation of the petitioner dated 05.07.2023 and pass final orders on merits, he would be satisfied. The said statement is recorded.

4. Mr.M.Nirmal Kumar, learned Government Advocate (Pondicherry), appearing for the respondents submitted that the representation of the petitioner will be considered by the 4th respondent in due course.

5. In view of the limited prayer made by the learned counsel appearing for the petitioner, without going to merits of the claim of the petitioner, this



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Court is inclined to direct the 4th respondent to consider the representation of the petitioner dated 05.07.2023 and pass appropriate orders on merits and in accordance with law, within period of four weeks from the date of receipt of copy of this order.

6. With the above direction, the writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

19.09.2023

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
dm



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To

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2. The Transport Commissioner,
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3. The Super-Intendent,
State Transport Authority,
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4. The Regional Transport Officer,
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S.SOUNTHAR, J.

dm

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